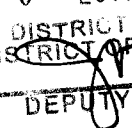


**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FILED

JAN 06 2014

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

CLEOPATRA DE LEON, et al.
Plaintiffs,

v.

RICK PERRY, in his official capacity as
Governor of the State of Texas, et al,
Defendants,

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Cause No. SA-13-CA-00982-OLG

**ORDER DENYING TEXAS VALUES' MOTION FOR LEAVE TO FILE *AMICUS*
CURIAE BRIEF**

On this day the Court considered Texas Values' Motion for Leave to File Brief of *Amicus Curiae* in Support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction (docket no. 42). Texas Values is a group whose "mission is to preserve and advance a culture of family values in the state of Texas." Texas Values seeks to file a brief that allegedly presents the Court with "relevant social science pertinent" to the case.

No statute, rule, or controlling case defines a federal district court's power to grant leave to file an amicus brief. *United States v. Olis*, No. H-07-3295, 2008 WL 620520, at *7 (S.D. Tex. Mar. 3, 2008). Movant Texas Values cites no legal authority in its motion to this regard. Federal Rule of Appellate Procedure 29 sets forth standards for filing an amicus brief in the United States Courts of Appeals, and in the absence of controlling authority, district courts commonly refer to Rule 29 for guidance. *Id.* (citing *Waste Management of Pennsylvania v. City of York*, 162 F.R.D. 34, 36-37 (M.D. Pa. 1995)). The extent to which the Court permits amicus briefing lies solely within the court's discretion. *Id.*; see also *United States v. Ahmed*, 788 F.Supp. 196, 198 n. 1 (S.D.N.Y. 1992) (noting "district courts have broad discretion to permit or deny the

appearance of *amici curiae* in a given case.”). Factors relevant to the determination include whether the proffered information is “useful” or otherwise necessary to the administration of justice. *See Olis*, 2008 WL 620520, at *7.

In this case, the Court is not persuaded Movant should receive amicus status in this case. *See Resident Council of Allen Parkway Vill. v. U.S. Dep’t of Hous. and Urban Dev.*, 980 F.2d 1043, 1049 (5th Cir. 1993) (citing *New England Patriots Football Club, Inc. v. Univ. of Colorado*, 592 F.2d 1196, 1198 n. 3 (1st Cir. 1979)) (noting an amicus is one who, not as a party, gives information of some matter of law to the Court). Far from providing legal arguments, the Court finds that Movant attempts to present “social science” which will not be “useful” for the Court in making a legal determination of the constitutional issues raised in this case. *See id.* The Court finds the interests of the public, raised by Movant, are adequately represented by the parties in the case, and granting amici status to Movant would do nothing to aid this Court’s evaluation of the *legal* issues in the underlying action. Accordingly, the Court DENIES Movant’s motion for leave to file an amicus brief in support of Defendants’ Opposition to Plaintiffs’ Motion for Preliminary Injunction. The Court ORDERS Movant’s brief (docket no. 43) be STRICKEN from the record in this case.

It is so ORDERED.

SIGNED this 6 day of January, 2014.


United States District Judge Orlando L. Garcia